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F. # 2016R00119

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

TO BE FILED UNDER SEAL

- against -

GINO GABRIELLI,

Defendant.

COMPLAINT AND
AFFIDAVIT IN
SUPPORT OF
APPLICATION FOR
ARREST WARRANT

(18 U.S.C. § 844(i) and 3551
et seq.)

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EASTERN DISTRICT OF NEW YORK, SS:

Paul Tambrino, being duly sworn, deposes and states that he is a Special Agent with the Federal Bureau of Investigation, duly appointed according to law and acting as such.

On or about December 4, 2015, within the Eastern District of New York and elsewhere, the defendant GINO GABRIELLI did knowingly, intentionally and maliciously damage and destroy, and attempt to damage and destroy, by means of fire and an explosive, a vehicle used in interstate and foreign commerce and in an activity affecting interstate and foreign commerce.

(Title 18, United States Code, Sections 844(i) and 3551 et seq.)

The source of your deponent's information and the grounds for his belief are as follows:¹

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all the relevant facts and circumstances

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been involved in the investigation of numerous cases involving racketeering and racketeering conspiracy relating to the Gambino organized crime family of La Cosa Nostra and including murder, robbery, extortion and loansharking, among other crimes committed by members and associates of that crime family. I am familiar with the facts and circumstances set forth below from my participation in the investigation, my review of the investigative file, and from reports of other law enforcement officers involved in the investigation.

2. A review of a surveillance video taken on December 4, 2015, at approximately 3:50 a.m., shows an individual, later identified as the defendant GINO GABRIELLI, approaching a white 2014 S550V Mercedes (the "Mercedes"), parked on 87th Street in the Howard Beach neighborhood of Queens, New York. The video shows (a) the individual pouring a liquid over the Mercedes, (b) the Mercedes then erupting in flames, and (c) the individual, whose right leg by then is also engulfed in flames, running away from the Mercedes. Following the fire, the Mercedes was declared by an insurance company to be "totaled." Police officers with the Evidence Collection Team recovered a lighter (the "Lighter") and what appeared to be a burned gas can near the vicinity of the Mercedes.

3. A canvas of local hospitals revealed that the defendant GINO GABRIELLI arrived at Jamaica Hospital Medical Center at approximately 4:10 a.m., on December 4, 2015, approximately 20 minutes after the Mercedes erupted in flames, with third-degree burns. The defendant GINO GABRIELLI reported to officers with the New York City Police Department ("NYPD") that he suffered the burns to his right leg as a result of a fire

of which I am aware.

that occurred while he was cooking chicken and rice in a pot at his residence (the "Residence"). The defendant explained that he accidentally knocked the pot over, and oil spilled and ignited his blue jeans, causing burns to his right leg and damage to the kitchen.

4. Fire marshals thereafter spoke with the defendant's mother, who resides at the Residence with the defendant. The defendant's mother reported that she had been at the Residence all night, that no one had cooked anything that evening, and that there were no dirty dishes in the sink. The defendant's mother also denied that any fire had occurred at the Residence.

5. Hospital officials reported that the defendant GINO GABRIELLI's clothing reeked of gasoline when he arrived at the hospital. Subsequent testing on clothing recovered from the defendant GINO GABRIELLI revealed the presence of gasoline throughout.

6. A review of an Instagram account that appears to belong to the defendant GINO GABRIELLI reveals that the defendant's grandfather operates a pizzeria in the Ozone Park neighborhood of Queens, New York ("Pizzeria #1"). A review of a Facebook account that appears to belong to the defendant GINO GABRIELLI reveals that the defendant works as a waiter at Pizzeria #1.


7. The lessor of the Mercedes (the "Lessor") reported that the Lessor also operates a pizzeria in Ozone Park, Queens ("Pizzeria #2"). In or about November 2015, a customer advised Pizzeria #2 that Pizzeria #1 had agreed to cater an event for approximately \$1,300, and requested that Pizzeria #2 cater the event instead of Pizzeria #1. The owner of Pizzeria #2 – the Lessor – agreed to cater the event for \$1,300.

8. On the afternoon of December 4, 2015, a relative of the defendant GINO GABRIELLI (the "Relative") went to Pizzeria #2 in search of the Lessor and thereafter placed a telephone call to the Lessor's cellular telephone number. When the Lessor picked up the telephone, the Relative attempted to persuade the Lessor to not pursue charges related to the arson of the Mercedes.

9. Based on my training and experience, and my participation in this investigation, including my review of the evidence described herein, there is probable cause to believe that the defendant GINO GABRIELLI set the Mercedes on fire.


10. The Mercedes was leased to the Lessor by Rallye Motors and Mercedes-Benz Financial Services, a corporation that operates in interstate commerce and is headquartered outside of New York.

WHEREFORE, your deponent respectfully requests that the defendant GINO GABRIELLI, be dealt with according to law.



Paul Tambrino
Special Agent, Federal Bureau of Investigation

Sworn to before me this
5 day of February, 2016



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